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SPECIALIST, INC., SERIOUSNET, INC., RAVI K. LAHOTI, RAJ LAHOTI

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TRAFFICSCHOOL.COM, INC., a
California Corporation; DRIVERS ED
DIRECT, LLC, a California limited
liability company,

Plaintiffs,

v.

EDRIVER, INC., ONLINE GURU,
INC., FIND MY SPECIALIST, INC.,
and SERIOUSNET, INC., California
corporations, RAVI K. LAHOTI, an
individual; RAJ LAHOTI, an individual;
DOES 1 through 10,

Defendants.

Case No: CV 06-7561 PA (CWx)

**DEFENDANTS' REPLY TO
PLAINTIFFS' EVIDENTIARY
OBJECTIONS TO DECLARATION
OF RAJ LAHOTI IN DEFENDANTS'
POSITION IN JOINT STATUS
REPORT**

Date: December 5, 2011

Time: 1:30 p.m.

Ctrm: 15

Judge: Honorable Percy Anderson

Complaint Filed: November 28, 2006

Defendants Edriver, Inc., Online Guru, Inc., Find My Specialist, Inc.,
Seriousnet, Inc., Ravi K. Lahoti, and Raj Lahoti ("Defendants") hereby reply to
Plaintiffs' Evidentiary Objections And Motion To Strike Declaration Of Raj Lahoti
In Support Of Defendants' Position in Joint Status Report as set forth below.

Plaintiffs' evidentiary objections are without merit as follows:

1. Plaintiffs preface their objection stating that Defendants filed an
untimely and improper evidentiary objection and motion to strike the Declaration

1 of Mina Hamilton in support of the Joint Statement. (Plaintiffs' Evidentiary
 2 Objections at p. 2, lines 1-10, Doc. No. 324-9.) However, the time for a response
 3 to Ms. Hamilton's Declaration was stayed in light of the stipulation filed in
 4 connection with continuing the deadline for Plaintiffs' Motion for Attorney's Fees
 5 and allowing the parties the opportunity to explore settlement. Therefore, the
 6 suggestion that the opposition to Ms. Hamilton's declaration was untimely is not
 7 consistent with Defendants' understanding of the Stipulation of the parties.
 8 Defendants' filed their objection timely with their Opposition papers. In contrast,
 9 Mr. Lahoti's Declaration In Support of Defendants' Position in the Joint Status
 10 Report, should have been addressed with *Plaintiffs' moving brief* (and not on Reply
 11 by Plaintiffs), just as Defendants addressed Ms. Hamilton's declaration in support
 12 of same in Defendants' opening papers. As such, Defendants' evidentiary
 13 objection was timely and consistent with the parties' Stipulation, while Plaintiffs'
 14 objections here, are not. Plaintiffs have waived their right to object to Mr. Lahoti's
 15 Declaration In Support of Defendants' Position in the Joint Status Report.
 16 However, to the extent the Court considers the merits, Defendants assert the
 17 following substantive response.

18 2. The evidence presented by Mr. Lahoti's Declaration was soundly
 19 presented for each statement and representation in Mr. Lahoti's Declaration,
 20 namely, to support Defendants' Position relating to the permanent injunction,
 21 which the parties were specifically requested by the Court to address in the Joint
 22 Statement. Accordingly, the Website contents and company's practices were
 23 relevant to the subject matter of the Joint Statement.

24 3. Raj Lahoti is the co-founder and Chairman of Defendant Online Guru,
 25 Inc.,¹ and is an individually named defendant in this matter. As such, he
 26

27 ¹ Online Guru, Inc. is the company that manages the Website.
 28

1 undoubtedly possesses adequate foundation and knowledge of the company's
 2 practices to present accurate and truthful evidence relating to the Website – in
 3 contrast to Plaintiffs' counsel.

4 4. The evidence presented by Mr. Lahoti highlights for the Court the
 5 importance of viewing the Website live, of which screen shots present a still
 6 image. Plaintiffs object to Defendants attaching screen shots as exhibits but
 7 Plaintiffs believe it is perfectly acceptable for them to attach screen shots. This
 8 one sided approach is epidemic in Plaintiffs' submissions to this Court and
 9 reminiscent of the Great Wizard of Oz who cautions Dorothy, the Scarecrow, the
 10 Tin Man and the Lion to avoid looking behind the curtain as the Wizard knows it
 11 will reveal his deception. Here, Plaintiffs have gone to great lengths to put their
 12 deceptive spin on a live website. The Court should look behind the curtain and go
 13 straight to the source to answer any questions about Defendants' compliance with
 14 the injunction, compliance that this Court has already found to exist when it denied
 15 Plaintiffs' Motion for Contempt.

16 Defendants respectfully request that the Court overrule Plaintiffs' objections
 17 and consider the evidence presented by Defendants.

18 **FOLEY & LARDNER LLP**

19 Dated: November 28, 2011

20
 21 By: /s/ Kathryn M.S. Catherwood
 22 KATHRYN M.S. CATHERWOOD
 23 Attorneys for Defendants
 24 EDRIVER, INC., ONLINE GURU
 25 INC., FIND MY SPECIALIST, INC.,
 26 SERIOUSNET, INC., RAVI K.
 27 LAHOTI, RAJ LAHOTI
 28

CERTIFICATE OF SERVICE

I hereby certify on this 28th day of November, 2011 that a copy of the foregoing was filed electronically through the Court's CM/ECF system, with notice of case activity automatically generated and sent electronically to all parties.

FOLEY & LARDNER LLP

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